CANCELLED CLAIMS. Please cancel the following claims without prejudice.

80. **(CANCEL)** The controller of Claim 43, wherein said actuator is a control valve actuator for adjusting the flow of water through a heating coil.

87. **(CANCEL)** The method of Claim 46, wherein said actuator is a control valve actuator for adjusting the flow of water through a heating coil.

REMARKS

Applicants appreciate the time taken by the Examiner to review Applicants' present application. This application has been carefully reviewed in light of the Official Action mailed **October 30, 2001**. Applicants respectfully request reconsideration and favorable action in this case.

To advance prosecution of this case, Applicants have amended claim 85 and cancelled claims 80 and 87 without prejudice. No new matter has been added by virtue of these amendments.

Non-statutory Double Patenting Rejection

The Examiner provisionally rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 49 of copending Application No. 08/932,652 (now issued U.S. Patent No. U.S. RE37245E) in view of U.S. Patent No. 5,117,900 issued to Robert A. Cox.

To overcome this rejection, Applicants have timely filed a terminal disclaimer, under separate cover, in compliance with 37 C.F.R. 1.321. U.S. Patent No. U.S. RE37245E and the current Application are commonly owned. Applicants therefore respectfully request the Examiner withdraw the rejection and allow Claim 1.

Rejections under 35 U.S.C. § 112

Claims 80, 85 and 87 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it is most nearly connected, to make and/or use the invention.

Applicants respectfully disagree with the Examiner's rejections of these claims, but have cancelled claims 80 and 87 without prejudice and amended claim 85 to place this case

in condition for allowance. Applicants reserve the right to continue prosecution of the subject matter of claims 80 and 87 in a continuation application.

Applicants have amended claim 85 per the Examiner's suggestion and, therefore, Applicants respectfully request the Examiner withdraw the rejection and allow Claim 85.

Claim Objections

The Examiner indicates on the Office Action Summary sheet of the Official Action mailed **October 30, 2001** that claims 3-5 and 8 are objected to. However, the Examiner does not address this objection any further in the Official Action. Applicants will consider an Examiner's Amendment to overcome the objections and request the Examiner contact the below-named attorney on this point.

CONCLUSION

Applicants appreciate the Examiner's efforts to review this case. Applicants have made an earnest attempt to place this case in condition for allowance and request reconsideration of the Application. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

An extension of two (2) months is requested and a Notification of Extension of Time Under 37 C.F.R. § 1.136 with the appropriate fee is attached hereto.

The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this response to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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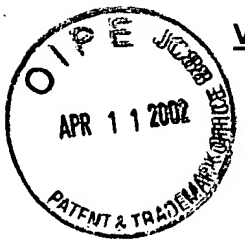

VERSION WITH MARKINGS TO SHOW CHANGES MADE

PURSUANT TO 37 CFR 1.111

APPENDIX 1

CLAIMS:

85. **(ONCE AMENDED)** The controller of Claim 43, further comprising a **[shield]heat sink** surrounding said flow sensing circuitry for limiting affects of temperature variations on operation of said flow sensing circuitry.